

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 12-1702 JB

DAVID AJUDUA,

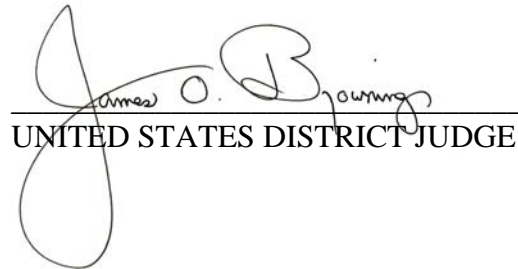
Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant David Ajudua's oral request for the appointment of new counsel. The Court held a status conference on November 30, 2012, to discuss case deadlines and settings as a result of the Court's designation of this matter as complex under the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7)(B)(ii). During the hearing, Defendant David Ajudua and defense counsel, John Robbenhaar, detailed the breakdown in the attorney-client relationship between him and Ajudua, including Ajudua's instruction to him that he not perform any further work on the matter, as well as Ajudua's belief that a defense attorney with a practice focusing primarily on white collar crimes would better represent him in this matter. At the hearing, Mr. Robbenhaar stated that, if the Court prefers that he do so, he would continue representing Ajudua, but Ajudua's instructions that he no longer work on the matter and refusal to discuss the matter with him created almost insurmountable barriers. Plaintiff United States of America takes no position on this request. Because Mr. Robbenhaar does not oppose this request, and because communication between Ajudua and Mr. Robbenhaar has broken down, see United States v. Beers, 189 F.3d 1297, 1302 (10th Cir. 1999), the Court will appoint new counsel.

IT IS ORDERED that Ajudua's oral motion for the appointment of new counsel is granted.

The Court removes John Robbenhaar as counsel for the case and orders the Clerk's Office to appoint new counsel for Defendant David Ajudua.



UNITED STATES DISTRICT JUDGE

Counsel:

Kenneth J. Gonzales
United States Attorney
John Anderson
Assistant United States Attorney
Albuquerque, New Mexico

Attorneys for the Plaintiff

John Robbenhaar
Assistant Federal Public Defender
Albuquerque, New Mexico

Attorney for the Defendant